

2:03 pm, Apr 21, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

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LUIS RAMIREZ,

For Online Publication Only

Plaintiff,

-against-

ORDER

19-CV-3087 (JMA) (AYS)

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

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AZRACK, United States District Judge:

Plaintiff Luis Ramirez (“Plaintiff”) commenced this action pursuant to 42 U.S.C. § 405(g) for review of the final decision of Nancy A. Berryhill, the Acting Commissioner of the Social Security Administration (“Defendant”), finding that he is not entitled to disability insurance benefits under Title II of the Social Security Act. The parties cross-moved for judgment on the pleadings. (ECF Nos. 12, 14.) I referred these motions to Magistrate Judge Anne Y. Shields for a report and recommendation on December 21, 2020. Judge Shields issued a report and recommendation, dated March 31, 2021, recommending that Plaintiff’s motion for judgment on the pleadings be granted and Defendant’s cross-motion for judgment on the pleadings be denied. She further recommended that this case be remanded to the Commissioner for further proceedings. (ECF No. 18.)

In reviewing a magistrate judge’s report and recommendation, the Court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.

§ 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

To date, no objections have been filed to the report and recommendation and the deadline for filing any such objections has passed. I have reviewed Judge Shields's report and recommendation for clear error and, finding none, I hereby adopt her comprehensive and well-reasoned report and recommendation as the opinion of the Court. Accordingly, the Court **GRANTS** Plaintiff's motion for judgment on the pleadings and **DENIES** Defendant's cross-motion for judgment on the pleadings. This case is remanded to the Commissioner for further proceedings in accordance with this Court's direction.

SO ORDERED.

Dated: April 21, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE